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Care Homes Provisions of Bill 120 Are Now Law

Government
Publications

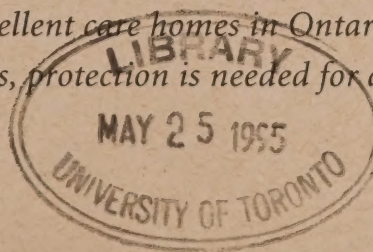


Bill 120, the Residents' Rights Act, is a new law in Ontario. It extends full tenant protection to residents of care homes. The Act means that care homes are now covered under the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act. Operators must register their care homes with the Ontario Rent Registry and make sure they comply with the provisions in Bill 120.

On August 22, 1994, the Care Homes Provisions of Bill 120 Became Law.

The Residents' Rights Act protects approximately 47,000 care home residents. A care home is accommodation where residents receive some type of care service such as health care, rehabilitative or therapeutic services, or care that provides assistance with daily living. They include unlicensed nursing homes, rest homes, retirement residences, homes for special care, group homes, rooming and boarding homes that provide care services, and private non-profit charitable institutions.

Although there are many excellent care homes in Ontario that provide good care to their residents, protection is needed for all residents.



The Residents' Rights Act is based on recommendations made by the Commission of Inquiry into Care Homes

In 1992, the Commission of Inquiry into Care Homes in Ontario, headed by Dr. Ernie Lightman, found that care home residents, many of whom include the frail elderly and people with developmental and physical disabilities, are vulnerable to abuse. Dr. Lightman's report, which was commissioned by the Ontario government, documented cases where care home residents were given high rent increases, lived in poorly maintained buildings, and were evicted at a moment's notice.

The recommendations in the report have formed the basis for the provisions in Bill 120.

Its goal is to protect the safety, security and personal dignity of Ontario's care home residents.

Care homes are now covered under these laws:

Landlord and Tenant Act

The Landlord and Tenant Act now applies to care home residents, as it does for most other tenants in Ontario. It will provide residents with "security of tenure," which means care home tenants can only be evicted for one of the reasons set out in the Act and the eviction procedures in the Act must also be followed.

One of the new provisions in the Residents' Rights Act states that a written *tenancy agreement* is required between landlords and tenants of care homes. This agreement must outline the care services and meals to be provided, and their costs.

Prospective residents have the right to consult a third party (such as a lawyer or family member) about the agreement, and can cancel the agreement, in writing, within five days of signing it.

In addition, residents will be assured of privacy where they live. Entry into a resident's unit is only allowed under certain circumstances. A landlord will be able to enter a tenant's home -

- in the case of an emergency
- if the landlord asks if he or she can enter right away, and the tenant agrees

The landlord can also enter the tenant's home if the tenancy agreement states that -

- the landlord can enter when 24 hours' notice is given in writing
- the unit is to be cleaned on a regular basis
- the unit can be shown to prospective tenants, after a notice of termination has been given by the current tenant

The Landlord and Tenant Act now applies to care homes.

Rent Control Act

Landlords and tenants of care homes now have rights and obligations under the Rent Control Act. For example, these provisions of the Act will now apply to the *accommodation portion* of the amount charged by the landlord to the tenant:

- the rules about rent
 - ~ the landlord will not be able to increase the rent more than once every 12 months
 - ~ 90 days' notice must be given to the tenant before charging a rent increase
- the rent control guideline
 - ~ the maximum rent charged to the tenant cannot exceed the rent control guideline
 - ~ if the landlord applies for an increase above the guideline, the increase to the rent will not be more than three per cent

Care home landlords and tenants are able to file applications for rent increases or decreases under the Act, in the same way as do landlords and tenants of other residential complexes.

In addition, landlord will have to comply with the maintenance and standards provisions in the Act. Care homes must be in good repair, and follow standards set by the municipality or the province.

Care home landlords must supply the following information to the Ontario Rent Registry:

- a statement of care home information which includes total amount charged for rent, care services, meals, number of units and number of residents living in the care home

The government will begin the registration process in early 1995.

The Rent Control Act applies to care homes as of November 23, 1993. This is the date the Residents' Rights Act received first reading in the Ontario legislature.

Rental Housing Protection Act

Care homes are now also subject to the Rental Housing Protection Act. This means that, in all cases, operators must get municipal approval before converting a care home into another kind of facility. In larger municipalities (those with a population of 50,000 or more), a landlord must get permission from the municipality before converting a residential rental building into a care home.

The Act protects the province's supply of care homes.

The Rental Housing Protection Act now applies to care homes.

Are there any other special provisions under Bill 120 for care homes?

Current and prospective care home tenants will receive an information package from their care home landlord. This package will inform tenants and their families of the costs for various services and meals at the care home. It will also outline their rights.

Care home landlords will also be required to give 90 days' notice before increasing a charge for the *care services or meals portion* of the costs paid by tenants. The amount of the increase for this portion is not limited by the rent control guideline set by the government.

How will the Residents' Rights Act improve the lives of care home tenants?

All of the provisions in the Residents' Rights Act are designed to provide a full spectrum of protection for people who live in care homes. Almost every aspect of a tenancy was carefully considered in the creation of this Act, so that security and dignity are protected and respected.

The extension of the rights and responsibilities included in the Landlord and Tenant Act, the Rent Control Act and the Rental Housing Protection Act to care home residents will ensure that these residents, for the first time, have these major aspects of their tenancy regulated and protected:

- rent paid for accommodation, limited by rent control
- security of tenure and protection from arbitrary evictions
- maintenance and repair of living quarters
- protection from demolition of the care home or conversion to another use, unless municipal approval is obtained by the care home operator

And, because a care home information package must now be provided to all tenants on the care services and meals provided, informed choices can be made by residents and their families. This information will be useful when someone is making the initial decision to move into a care home. It will also outline to existing residents some of the aspects of living in the care home, including some of their rights.

For more information

If you want more detailed information about how the Residents' Rights Act affects you, please call your area Rent Control office:



Barrie
(705) 737-2111
Toll-free: 1-800-461-2882

Hamilton
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Toll-free: 1-800-668-9565

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If you want more copies of this document, please call the Ministry of Housing's customer assistance line at: (416) 585-7041